IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 541 of 1993

with

CRIMINAL MISC.APPLICATION No 6276 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAVINDRA MUKUNDRAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 541 of 1993
   MR KR RAVAL for Petitioners
   MR MUKESH PATEL, APP. for Respondent No. 1
   MR KB ANANDJIWALA for Respondent No. 2, 3, 4, 5, 6

2. Criminal Misc.ApplicationNo 6276 of 1993
   MR MUKESH PATEL, APP. for Petitioners
   MR KB ANANDJIWALA for Respondent No. 1, 2, 3, 4, 5, 6

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 07/07/2000

COMMON ORAL JUDGEMENT

Respondent Nos. 2 to 6 in Criminal Revision Application No. 541 of 1993 who are also respondent nos. 1 to 5 in Misc.Criminal Application No. 6276 of 1993 were tried before the learned Addl.Sessions Judge, Bharuch for committing breach of articles 2, 9, 17 and 26 of Drugs (Prices Control) Order,1987 along with Section 3 read with Section 7 of Essential Commodities Act. The learned Addl.Sessions Judge while acquitting them by judgment and order dated 30.10.1993 passed strictures against Ravindra Mukundrai Amravatkar who was Drug Inspector and Dr.Manubhai Ambalal Patel who was Commissioner & Food Health Authority, Food & Drugs Control Administration, Gujarat, the petitioner in Criminal Revision Application No. No. 541 of 1993. The learned Addl.Sessions Judge also ordered notices to be issued to them to show cause why action should not be taken against them under Section 250 of the Code of Criminal Procedure along with other appropriate sections of Indian Penal Code and the provisions of the Code of Criminal Procedure.

Being aggrieved by the strictures by the learned Addl.Sessions Judge and the show cause notice issued by him the said Drug Inspector and the Commissioner have filed Criminal Revision Application No. 541 of 1993 praying that the remarks passed against the petitioners may be expunged and the show cause notice may be set aside. The State of Gujarat had also filed Misc.Criminal Application No.6276 of 1993 for the same relief.

Heard the learned Counsel for the petitioners in Criminal Revision Application No. 541 of 1993 and the learned APP. Mr.Mukesh Patel and Mr.K.B.Anandjiwala for the respondents (original accused) Mr.Anandajiwala does not oppose the prayers made in the petitions.

Having regard to the facts and circumstances of the case, para 15 of the judgment of the learned Addl.Sessions Judge & Special Judge, Bharuch in Special Criminal Case (Ess) No.1 of 1991 is ordered to be expunged and the show cause notices issued by the learned Judge to Ravindra Mukundrai Amravatkar and Dr.Manubhai Ambalal Patel, the petitioners in Criminal Revision Application No. 541 of 1993, are ordered to be discharged. Rule made absolute in both the petitions accordingly.

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m.m.bhatt